

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Telephone Number Portability

CC Docket No. 95-116

**PETITION OF NEXTLINK CALIFORNIA, L.L.C., NEXTLINK UTAH, L.L.C.,
NEXTLINK GEORGIA, INC., NEXTLINK TENNESSEE, L.L.C. AND
TELECOMMUNICATIONS OF NEVADA, L.L.C. FOR WAIVER OF LNP PHASE I, III
AND IV IMPLEMENTATION DEADLINES AND SIXTY DAY ADVANCE FILING
REQUIREMENT OF 47 CFR § 52.23 (e)**

Pursuant to Section 52.23 (e) of the Commission's Rules, 47 C.F.R. § 52.23 (e), promulgated in the above captioned proceeding NEXTLINK California, L.L.C., NEXTLINK Utah, L.L.C., NEXTLINK Georgia, Inc., NEXTLINK Tennessee, L.L.C.¹, and Telecommunications of Nevada, L.L.C (collectively "the Applicants" or "NEXTLINK") hereby request waivers of the implementation deadlines set by the Federal Communications Commission ("Commission") for long-term Local Number Portability ("LNP") in the Las Vegas, Nevada; San Francisco, Orange County and Oakland, California; Salt Lake City, Utah; Atlanta, Georgia; and Nashville and Memphis, Tennessee Metropolitan Statistical Areas ("MSAs") and waiver of the sixty (60) day in advance notice requirement for extension of the Phase I and III implementation deadlines.

¹ First Report and Order and Further notice of Proposed Rulemaking, In the Matter of Telephone Number Portability, CC Docket No. 95-116, RM 8535, released July 2, 1996 ("First Report and Order").

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Introduction

In the *First Report and Order*, the Commission delegated to the Chief of the Common Carrier Bureau "the authority to waive or stay any of the dates in the implementation schedule, as the Chief determines is necessary to ensure the efficient development of number portability."² Commission rules require a local exchange carrier ("LEC") seeking such waiver relief to demonstrate through substantial, credible evidence the basis for its contention that it is unable to comply with the FCC's LNP deployment schedule.³

The Commission rules also require that a carrier seeking to extend the time by which implementation will be completed must file a petition "at least 60 days in advance of the deadline." 47 C.F.R. § 52.23 (e). As of the filing of this extension request, there are fewer than 60 days until June 30, 1998, the deadline for implementation of LNP in Phase III MSAs. NEXTLINK, for the reasons set forth below, requests a waiver of the 60 day notice requirement for an extension of the June 30, 1998, implementation deadline for turning-up LNP in its Las Vegas, Nashville, Orange County, San Francisco and Oakland MSAs. In addition, as set forth below, NEXTLINK also seeks a waiver of the 60 day advance notice requirement for waiver of the Phase I implementation deadline for Atlanta.

Waiver of the Phase III Implementation Deadline & Sixty Day in Advance Notice

Requirement

NEXTLINK has installed all necessary systems that will allow it to provide LNP in the Las Vegas, Nashville, Orange County, San Francisco and Oakland MSAs. NEXTLINK, however, will not be able to meet the Commission's Phase III deployment schedule for these

² *First Report & Order*, at 85.

³ 47 C.F.R. § 53.23 (e).

markets because it will be unable to complete by June 30th the cooperative, inter-carrier LNP testing that must take place before LNP may be implemented in each of these markets.

NEXTLINK will not be able to complete such testing because it must rely on the incumbent local exchange carriers ("ILECs") in the West Coast and Southeast Regions to coordinate inter-carrier LNP testing in each MSA. On May 15, 1998, the FCC waived the Phase III implementation deadline for the LECs in both the West Coast and Southeast Regions.⁴ As a result, the ILECs have extended, beyond June 30, 1998, the date by which they will deploy LNP in Phase III markets and by which they will allow other CLECs, including NEXTLINK, to complete inter-carrier LNP testing in these regions. Because NEXTLINK will be unable to complete the inter-carrier LNP testing in these regions by June 30, 1998, and thus unable to implement LNP by the June 30, 1998, implementation deadline, NEXTLINK respectfully requests that the Commission waive its LNP deployment requirements set forth in 47 C.F.R. § 52.23 for Las Vegas, Nashville, Orange County, San Francisco and Oakland.

Because NEXTLINK did not learn that the FCC had granted the ILECs petition for waiver of the Phase III implementation deadline (and thus that it would also be required to request a waiver) until less than 60 days before the Phase III implementation deadline, NEXTLINK could not provide sixty days advance notice to the Commission of its waiver request of the Phase III deadline. Accordingly, NEXTLINK asks the Commission to waive the requirement that it request waiver of the Phase III deadline sixty days prior to that deadline.

⁴ See Telephone Number Portability, CC Dkt. No. 95-116, Order (rel. May 15, 1998) ("BellSouth Extension Order"). The BellSouth Extension Order also addressed the extension request of various other carriers.

Waiver of the Phase I Implementation Deadline

NEXTLINK currently plans to begin providing local exchange service in Atlanta on July 4, 1998. BellSouth, the incumbent local exchange carrier in Atlanta, received a Phase I implementation deadline waiver for Atlanta on March 31, 1998, and will not begin offering LNP there until August 31, 1998⁵. Since LNP is a cooperative effort among carriers, NEXTLINK will not be able to conduct inter-carrier testing and begin providing LNP in Atlanta until BellSouth does. NEXTLINK did not request a waiver of the Phase I March 31st deadline for Atlanta 60 days prior to such deadline because NEXTLINK was not operational in Atlanta at that time. NEXTLINK, however, has now firmed up its market entry plans and intends to begin operations there in July. Because NEXTLINK will not be able to complete inter-carrier testing with BellSouth and other carriers in the Atlanta MSA until after NEXTLINK begins providing service in Atlanta in July, NEXTLINK respectfully requests both an extension of the Phase I deadline as well as a waiver of the 60 day advance notice requirement for filing such extension request.

⁵ See *Telephone Number Portability*, CC Dkt. No. 95-116, Order (rel. March 31, 1998) ("Phase I Extension Order").

Waiver of the Phase IV Implementation Deadline

NEXTLINK also requests waiver of the Phase IV, September 30, 1998, LNP implementation deadline for the Salt Lake City and Memphis MSAs. This is necessary because the incumbent local exchange carriers in each of these MSAs will not be able to complete the inter-carrier testing nor turn-up LNP until after the Phase IV deadline. Specifically, BellSouth has informed NEXTLINK that it will not begin providing LNP in Memphis until November 30, 1998, and US West has notified NEXTLINK that they will not begin providing LNP until October 5, 1998.

Conclusion

NEXTLINK has installed all systems necessary to turn-up LNP in accordance with the Commission's implementation schedule. It is only the failure of the incumbent carriers to implement LNP and to offer NEXTLINK the opportunity to complete the cooperative, inter-carrier LNP testing that is preventing NEXTLINK's compliance with the FCC's implementation deadlines. Moreover, as a CLEC and an industry leader in implementing LNP nationwide, NEXTLINK has no incentive to delay LNP implementation, and, in fact, has focused its efforts to comply with the Commission's implementation schedule. A denial of this waiver request would require NEXTLINK to implement LNP before any numbers can be ported from the incumbent carriers in the Southeast, Western and West Coast regions. Thus, it is in the public interest to grant NEXTLINK this petition for waiver.

NEXTLINK proposes the following LNP implementation schedule for its various Phase I, III and IV markets. These dates are based on information from the ILECs in each region regarding when they will be ready to deploy LNP:

Orange County/San Francisco/Oakland (Pacific Bell areas) - September 18, 1998

Orange County/San Francisco/Oakland (GTE areas) - November 1, 1998

Nashville - October 31, 1998

Las Vegas - September 18, 1998

Atlanta - August 31, 1998

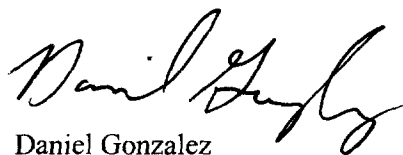
Memphis - November 30, 1998

Salt Lake City - October 10, 1998

Exhibit 1 contains the names of the particular switches for which these extensions are requested.

For the reasons stated above, NEXTLINK requests that the Commission extend the implementation deadlines for LNP in the Las Vegas, San Francisco, Orange County, Oakland Salt Lake City, Atlanta, Nashville and Memphis MSAs and waive the 60 day in advance notice requirement for extension of the Phase I and III implementation deadlines.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Daniel Gonzalez", is positioned above the typed name and title.

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EXHIBIT 1

SWITCHES FOR WHICH NEXTLINK SEEKS WAIVER OF PHASE I III AND IV LNP
IMPLEMENTATION DEADLINES IN THE WEST COAST, WESTERN AND SOUTHEAST
REGIONS

West Coast Region

Fremont, California - FRMTCAEDDS1

Las Vegas, Nevada - HNSNNVAQDS0

Santa Ana, California - SNANCALWDS0, SNANCALWDSA, SNANCALWDSF,
SNANCALWDSE

Long Beach, California - LNBHCATVDS0

Southeast Region

Nashville, Tennessee - NSVLTN90DS1

Memphis, Tennessee - MMPJTNAGDS0

Atlanta, Georgia - SMYRGAFEDS0

Western Region

Salt Lake City - SLKDUTHTDS0